

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:02-CR-60-5H
4:10-CV-195-H

NIGEL CLARKE,)	
)	
Petitioner,)	
)	
)	
)	
v.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the court on petitioner's motion for reconsideration, [DE #682], asking this court to reconsider its order of December 14, 2020 denying his motions pursuant to Rule 60(b).

Courts have generally recognized three grounds for altering or amending judgments under Federal Rule of Civil Procedure 59(e). See Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Specifically, courts will alter or amend "an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Id. (citing Weyerhaeuser Corp. v. Koppers Co., 771 F.Supp. 1406, 1419 (D. Md. 1991) and Atkins v. Marathon LeTourneau Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

The court, having reviewed defendant's motion as well as the record in this matter, finds no reason to alter or amend its prior order. Therefore, defendant's motion [DE #682] is hereby denied. The clerk is directed to supplement the record on appeal in accordance with the Fourth Circuit's order dated February 8, 2021.

This 30th day of March 2021.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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